

February 19, 2004

Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW – 325  
Washington, DC 20554

**RE: Maritel Sharing Proposal (DA 04-378)  
(RM—10821)**

Dear Sir or Madam:

The Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC) is the congressionally-chartered federal advisory committee which advises the U.S. Coast Guard on maritime issues affecting the Lower Mississippi River. As such, the committee has been actively involved in the development of the Vessel Traffic System (VTS) being installed in New Orleans. As a part of this initiative, the committee was instrumental in the decision to make Automatic Information Systems (AIS) the cornerstone of that system. The committee then oversaw the user group which set the baseline criteria for that system.

It is from this perspective that the committee wishes to voice its concern over the above-referenced proposal for the use of VHF maritime Channels 87B and 88B. The proposal would limit maritime-related uses of the AIS system and do great harm to both the spirit and letter of the VTS system being installed on the Lower Mississippi River system. Some of our concerns are as follows:

- Ø The proposal would be incompatible with the baseline requirements of the New Orleans AIS-based VTS system. These requirements, based on extensive user involvement, envisioned a highly interactive safety system which would provide an array of information. In creating these baseline requirements, users and the Coast Guard were careful to not limit the means by which this information would be provided or the potential for the system to expand in the future. By limiting the use of AIS to Coast Guard VTS and the provisions of the Maritime Transportation Security Act of 2002 (MTSA), the proposal would make it impossible for the Coast Guard to meet the intent of the baseline requirements and of this committee.
- Ø The MTSA was intended to provide a threshold for the nation's maritime security. It was not intended to limit security efforts. However, if the proposal is accepted by the FCC, the MTSA would become an obstacle to future safety and security initiatives. In particular, development of safety uses of the system which go beyond the scope of MTSA would potentially be brought to a halt.
- Ø Improvements in the approach to safety and security are constantly evolving, and frequently tomorrow's solutions are not recognized today. By severely restricting the

ability to use AIS (Coast Guard and ship stations) and by limiting the areas in which it can be used (major waterways), the proposal would close the door on future applications.

- Ø Voluntary carriage of AIS by vessels and stationary structures may be illegal under this agreement. As the costs of AIS go down, it has been hoped that it would be used on a voluntary basis by groups as diverse as recreational boaters and stationary oil rigs in the Gulf of Mexico. It may one day be used to mark sea buoys. These applications might not be allowed under this proposal.
- Ø The proposal does not recognize bona fide safety and security uses by parties other than the Coast Guard or vessels. For example, a barge fleet could use the system as a safety tool to identify vessels passing at excessive speed. A power plant or refinery could use the system to monitor activity as a part of its security planning. Pilot's groups could use the system to manage vessel arrivals and anchorages, thereby improving safety. These uses would be forbidden under this proposal.
- Ø The proposal would place the onus on the user to prove that individual applications of AIS conform to the MTSA. This implies some sort of application and appeal process which would be time-consuming, expensive and defeat the purpose of increasing security and safety.
- Ø The proposal would appear to envision a shared use of the channel for both security/safety use and for some commercial application. There is no assurance in the proposal that the shared use will not result in a degradation of the security and safety functions of AIS.
- Ø The proposal requires changes in AIS standards to prevent interference. While it is hoped that the system that is currently being installed does not cause interference, the fact is that the system is already being installed. It is based on internationally-accepted standards to which the United States has agreed. Those standards have been written into federal regulation. Any change in that standard would be both difficult to achieve and would represent a cost to vessel operators who are already using AIS.
- Ø The proposal speaks of ship systems. The vast majority of vessels working on the Lower Mississippi River are not ships, but are smaller vessels such as towboats and small passenger vessels. These vessels could conceivably be forbidden from using the system.

For these reasons, the committee requests that the FCC reject this proposal. Thank you for considering our comments.

Sincerely,

Joseph G. Cocchiara, Jr.  
Chairman  
Lower Mississippi River Waterway Safety Advisory Committee

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